

# EXHIBIT Z

GERONALD D. BELL  
UNITED STATES vs STATE OF GEORGIA

January 09, 2023

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STATE OF GEORGIA,

Defendants.

- - - - -

) CIVIL ACTION  
) NO. 1:16-cv-03088-ELR  
)  
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)  
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)  
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)

VIDEOTAPE DEPOSITION OF

GERONALD D. BELL

Monday, January 9, 2023, 9:03 a.m., EST

HELD AT:

Robbins Firm  
500 14th Street, N.W.  
Atlanta, Georgia 30318

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WANDA L. ROBINSON, CRR, CCR, No. B-1973  
Certified Shorthand Reporter/Notary Public

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1 Q When you say taken that on, what are you  
2 referring to?

3 A Most of the stuff -- most of the stuff  
4 that I used to do she does now. So, like I said,  
5 I'm kind of the back-stop now.

6 Q So does she calculate allocations under  
7 the QBE formula?

8 MS. HERNANDEZ: Object to form.

9 A No. Just GNETS. Actually, I still do  
10 GNETS, but the special education formulas. So I  
11 think you asked about the special education  
12 formulas, to be clear.

13 Q I see.

14 A Which I interpret that as IDEA, which  
15 Carmen does that. I still do GNETS, yes.

16 Q That's helpful. So Carmen Fryemeier does  
17 the -- I'm sorry, the IDEA funding?

18 A That's correct.

19 Q For the record, I don't think we did that  
20 acronym. That's Individuals with Disabilities  
21 Education Act?

22 A Yes.

23 Q So Carmen handles the IDEA allocations?

24 A Right.

25 Q And you continue to do the QBE and GNETS

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1 allocations?

2 A Right. I want to be clear.

3 Q Thank you for that.

4 So are there meetings, regular meetings,  
5 having to do with either of those allocations, the  
6 QBE or GNETS allocations?

7 A No. It's, it's -- well, with QBE  
8 allocations there's tons of meetings. What, 11 --  
9 10, 11 billion dollars. Yeah, we have several  
10 meetings.

11 Q Who are they with?

12 A With the various budget offices. So  
13 they're several questions.

14 Q When you say various budget offices, does  
15 that mean the different budget offices within --

16 A No. It means outside. The Governor's  
17 budget office, the House budget office, the Senate  
18 budget office. The appropriators, I should say.

19 Q And that was for -- did you say that was  
20 for the QBE funds?

21 A Yes. With all of them, yeah. The QBE  
22 funding we meet with more.

23 Q What are the purposes of those meetings?

24 A There's a lot of data that goes into those  
25 formulas. So it's to make sure that we're all using

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1 that's when we're meeting with them. We still meet  
2 with the Governor's Office but those are the ones  
3 that -- the ball is in their court at that point.  
4 So we're meeting -- we're meeting with them to  
5 answer their questions and help them come up with  
6 the actual appropriations document.

7 Q That was super helpful. Thank you very  
8 much for walking me through that timeline.

9 A Okay.

10 Q Are there any reports or analyses produced  
11 along the way in any of those stages?

12 A Yeah. I mean we, we try to come up with  
13 estimates. I mean we're trying to -- like I said,  
14 it's a substantial amount of money and we're kind of  
15 doing this -- we're working.

16 So, you know, we have as many people  
17 looking at these calculations coming up with it.  
18 So, you know, we try to come up with estimates for  
19 the grants, you know. They will look at our  
20 estimates and we compare numbers.

21 We have to provide the data, the student  
22 data, the teacher data, all the data that goes into  
23 those formulas. So, you know, we're providing that.  
24 So I mean just whatever they need.

25 Q Okay. And you said this happens a lot

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1 with respect to the QBE formula given the amount of  
2 money at stake. Are there comparable meetings  
3 relating to the GNETS grants?

4 A Right. Yeah. I mean so for them to  
5 calculate it, they need -- like I say, it's -- the  
6 QBE grant, the funding is based on students,  
7 teachers and then the federal piece, you know, how  
8 much they want to do federal.

9 So we have to provide student data to, to  
10 the budget offices, the student data and the teacher  
11 data.

12 Q Thank you. And then aside from these  
13 meetings, do you belong -- do you work on any  
14 committees in connection with your work?

15 A No.

16 Q I think we're done with that document.  
17 Thank you.

18 MS. TAYLOE: We have covered some of this  
19 but I would like to introduce a document that  
20 was identified as Attachment BB, and this will  
21 be Exhibit 746, Plaintiff's Exhibit 746.

22 (WHEREUPON, Plaintiff's Exhibit-746 was  
23 marked for identification.)

24 BY MS. TAYLOE:

25 Q This was produced by the State. It

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1 that, there's five categories of students with  
2 disabilities.

3 Can you tell me why there are five rows  
4 for that?

5 A You know, I don't know the -- I don't know  
6 the distinctions. I just know those are different  
7 QBE categories for, for -- you say five -- or six?  
8 No, five, I'm sorry.

9 Q Do you know who defined the categories?

10 A No. I mean I know it's defined in Georgia  
11 Code, but I don't know who defined them, no.

12 Q Just to be clear, this QBE spreadsheet  
13 does not include any funding for GNETS?

14 A No.

15 Q Because that's on a separate grant system?

16 A Correct.

17 Q Then I want to -- well, as we discussed,  
18 each LEA receives an allotment sheet like this that  
19 has the same terms and same definitions for all the  
20 columns and row headings?

21 A Yes.

22 Q Then I'm going to skip to -- I have  
23 another document that I got from the website. It's  
24 called "Weights for FTE Funding Formula," which I  
25 think is the one you were referring to?

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1 A Yes.

2 Q And the same for social workers, one  
3 social worker for every 2,475 students in special  
4 ed?

5 A Yes.

6 Q So this chart includes -- there are  
7 multipliers and ratios for gifted students and  
8 students needing remedial education as well; is that  
9 correct?

10 A Yes.

11 Q And those are all part of the QBE formula?

12 A Yes.

13 Q And students in alternative education  
14 program are included in here as well?

15 A Yes.

16 Q And ESOL, does that stand for English for  
17 Speakers of Other Languages?

18 A Yes.

19 Q That's included in this as well?

20 A Yes.

21 Q I think we're done with that document  
22 then.

23 MS. TAYLOE: I'd like to mark as Exhibit  
24 750, Plaintiff's Exhibit 750, GA00007217.

25 (WHEREUPON, Plaintiff's Exhibit-750 was



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1 marked for identification.)

2 BY MS. TAYLOE:

3 Q This is an April 5, 2019 email from John  
4 White to DOE users and attaching an All DOE Update  
5 Webinar on education-related legislation held the  
6 same day.

7 I have a few questions about this to do  
8 some more with process clarification and definitions  
9 and things.

10 First, who is John White?

11 A He's an employee at the Department of  
12 Education. I don't know his specific title but I  
13 know he works in Federal Programs.

14 Q Okay. And do you receive emails that are  
15 sent to DOE Users?

16 A I believe so, yes. I think so.

17 Q And the email says: "Thank you for  
18 attending our webinar today," and attaches a  
19 PowerPoint.

20 Did you attend the webinar?

21 A I don't recall.

22 Q Do you want to take a minute to look over  
23 it because I'm going to ask you some questions about  
24 what's in it?

25 (Witness reviews exhibit.)

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1 A Okay.

2 Q After reviewing it, does that help you  
3 remember whether or not you attended the webinar?

4 A No. No -- yes -- I mean I'm -- maybe I  
5 went or maybe I just tried the information. So I  
6 don't know.

7 Q Is this the kind of -- is this kind of  
8 update given every year?

9 A In some form or another, yes.

10 Q And at what point is this summary  
11 prepared?

12 A Well, it's, you know, by the Governor -- I  
13 mean the superintendent's office. So whatever  
14 session is up, and, you know, it's kind of on their  
15 schedule, so. Because this is --

16 Q But usually pretty close to after the end  
17 of the legislative session?

18 A Yes.

19 Q And for what purpose?

20 A Just to let staff know what was happening  
21 in the world of DOE, or the world of education. You  
22 know, the State. Any changes.

23 Q Then looking at the third page, because  
24 the numbers -- so the production number ends with  
25 7221.

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1 I mean I think they're charged by the legislature,  
2 but again I don't know anything about this.

3 Q Okay. Then on the next page there's a  
4 couple of entries on GNETS reductions in funding.  
5 Can you just explain this?

6 I don't understand the parentheses inside  
7 parentheses and what's being offset.

8 A So I believe it was -- and this is just  
9 from reading this. I'd have to look at the  
10 appropriations bill, but I believe the overall  
11 reduction was 3.5 million, and that the two pieces  
12 that went into that was a \$4.8 million decline based  
13 on student counts and, and -- well, based on student  
14 counts and T&E changes, I'm assuming, but they don't  
15 say that here. Then we added in 1.3 million for,  
16 for behavioral and therapeutic service contract.

17 So the negative 4.8 plus the positive 1.3  
18 equals the 3.5.

19 Q So are these behavioral service -- I'm  
20 sorry. Behavioral and therapeutic services  
21 contracts in addition to the regular grant funding?

22 A Yes. Well, they're separate, yes.

23 Q Are contracts generally accounted for  
24 differently than grants?

25 A I'm sorry, what do you mean?

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1 Q If there's a contract with a service  
2 provider, is that paid through the grant or it is  
3 paid separately, or does it depend on who entered in  
4 the contract?

5 A So with these contracts in particular they  
6 will be paid for at DOE. So, so we -- GaDOE would  
7 be paying for this.

8 So if an LEA enters into a contract, we  
9 won't see that. That's LEA's spending. It would  
10 just be an allocation to them.

11 But, yeah, this is GaDOE contracts.

12 Q Do you know what the GaDOE contract is  
13 for?

14 A I, I -- I've looked at them, but I would  
15 defer to Vickie Cleveland. She's expert on that.

16 Q And for the record, who is Vickie  
17 Cleveland?

18 A The GNETS program manager.

19 Q But it says redirected for existing  
20 behavioral and therapeutic services contracts.

21 Do you understand where they're being  
22 redirected from?

23 A I don't understand the language, no.

24 Q But we know it's a -- Georgia Department  
25 of Education is paying 1.2 plus million --

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1 Q But GNETS is not part of that program?

2 A Right. GNETS is its own program.

3 Q Thank you. So I think we've kind of  
4 covered appropriations, and now I want to talk about  
5 what happens after that once we've got all the  
6 appropriations that we've just gone through.

7 Can you describe the process in your  
8 office after appropriated money has been set?

9 A Yeah. It's relatively simple. I mean so  
10 after the appropriations process is finished, the  
11 legislators pass the bills, the Governor has signed  
12 it. What I'll do is usually reach out to the, the  
13 legislative budget office, the House and the Senate,  
14 and ask them for their worksheets basically so I can  
15 see the detail in the numbers that, that show up in  
16 the appropriations document.

17 And then I'll just incorporate those  
18 changes into -- well, I basically take their  
19 document and incorporate it into my worksheet so  
20 I'll make sure that I'm matching legislative intent.

21 And then once we do that, sometimes  
22 there's money in there that hasn't been specifically  
23 allocated for something, and so what we've done with  
24 that in the past is either it goes under contracts  
25 or we just increase it -- well, more likely is

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1 increase the allocations that go out to the  
2 districts.

3 But that's something I would do in  
4 consultation with the GNETS program manager. She'll  
5 kind of let me know if she needs contracts or we're  
6 just going to send it out in allocations.

7 And then I'll work with them on  
8 calculating those allocations, getting the  
9 spreadsheet, and updating the federal funds portion  
10 of it. Then we basically take it to the Board.

11 So that's the process.

12 Q Okay. When you talk about the worksheet  
13 and making sure you're matching legislative intent,  
14 does that mean any updates to the formula that might  
15 have been included?

16 A Right. They're not going to tell -- I  
17 mean budget offices don't usually tell you -- like  
18 the Governor isn't going to tell us beforehand if  
19 he's proposing a salary increase or, you know,  
20 something else that may change the inputs in the  
21 formula.

22 So sometimes they make changes and you  
23 don't know what that change is without seeing what  
24 they did in the spreadsheet because they calculate  
25 it -- they have a spreadsheet that calculates it,

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1 what we're looking at, these are the numbers that  
2 we're looking at.

3 Like when it goes to the Board, that's the  
4 final process for them because that gives them --  
5 the process is start spending.

6 Q So it's final at least as to the state  
7 funds?

8 A Right.

9 Q And so they would get that information in  
10 early July or early August?

11 A No. They would get that -- they would  
12 have that July 1, they would know what their budget  
13 is.

14 Q I'm sorry. Help me figure out. Because  
15 you said it goes to the State Board of Education in  
16 the June or July meeting, which is at the end of the  
17 month.

18 A Yeah, and I think it's pretty much always  
19 -- I think there's been a rare exception where it  
20 goes to July. So I think it's always pretty much  
21 June when they've taken it.

22 So, yeah, let me be clear, I think it's --  
23 think there's only been one time where they had to  
24 take it to July and I think it was because we had to  
25 take it back for some reason. But I think, I think

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1 -- most of the time it's June.

2 And so they know beginning July 1, and  
3 again because it's reimbursement-base, you know,  
4 they have an idea but they're not submitting  
5 requests right away. So it's not as -- I don't  
6 know. It's not as urgent for them, or at least they  
7 don't make it seem that way.

8 Q But they presumably would have hired their  
9 staff by then, correct?

10 A Yeah. They have an idea, general idea. I  
11 mean before that. I guess that's what I was trying  
12 to convey. Once the session is over with, we can  
13 kind of give them an idea of what their numbers --  
14 what their budget is going to look like, so, you  
15 know, they're not completely blind going into June,  
16 July.

17 But -- but, yeah.

18 MS. TAYLOE: I think now might be a good  
19 break. We're going to talk about the formulas  
20 next and that might be a good chunk.

21 Lunch all right?

22 (Discussion ensued off the record.)

23 MS. TAYLOE: I'll start on the funding  
24 formula and then we can take a break.

25



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1 this population, you know, you just -- you can't --  
2 I mean it was just, it was just understood that it  
3 would be harder to just use one year, one day's  
4 worth of data to come up with it. Just felt like  
5 that wouldn't be an accurate representation of the  
6 number of students they served.

7 And so that, and then the three-year count  
8 is that, you know, you want it to have some trend  
9 data. You don't want it to be big shocks to the  
10 system. You don't want any big shocks. You want  
11 them to be able to plan for fluctuations.

12 So I would say just because the student  
13 population, they fluctuate a lot.

14 Q Do you know who decided to use this  
15 rolling average?

16 A I don't know exactly, but the Federal  
17 Programs staff.

18 Q The Federal Programs staff decided the  
19 GNETS formula count?

20 A Well, the GNETS program -- I mean -- I say  
21 the Federal Programs staff, but the GNETS program  
22 staff. So I believe Vickie was at the time, and  
23 then whoever her supervisor was at the time. I  
24 don't know if it was Nakeba at the time or Debbie  
25 Gay. Just -- but, at the end on up, their

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1 supervisors, so.

2 Q So it sounds like -- do you have an idea  
3 about when this formula may have been created?

4 A I mean I was at DOE when we did it. I  
5 mean I -- they asked for a three-year average. That  
6 kind of gave some -- you know, gave a little bit  
7 more weight to the last one. So that's -- I mean I  
8 think I might have come up with the suggestion of  
9 the 50/25/25, but, you know, I just proposed it. I  
10 didn't say let's do this. But they liked the idea  
11 of it, I think, and, you know, we came up with it  
12 and been using it since.

13 Q Do you know when the preceding formula was  
14 created?

15 A No. Like I said, just based on how it was  
16 calculated, I mean it had been around a long time.

17 The guy before me who did GNETS, he  
18 retired. I think he spent his whole life at DOE --  
19 or maybe not his whole life, But at least 10 to 15  
20 years doing the formula. So he, you know -- so I  
21 think it might have predated him.

22 Q What was his name?

23 A Harry Rapsher, R-A-P-S-H-E-R. I think  
24 that was it.

25 Q And in this email you say: "Each year the

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1 calculate backwards from the spreadsheet? It's not  
2 just a matter of dividing by the number of students,  
3 correct?

4 A I think it is -- I think it's -- I would  
5 verify with the spreadsheet but I think it's  
6 something like \$10,000 per so many students. But I  
7 think. That's just -- you can see it on the  
8 spreadsheet, whatever it is.

9 Q Here it says for the federal funds there's  
10 a range table represented in increments of 50  
11 students. Do you know what that means?

12 A The federal program -- yes. Or somewhat.  
13 The federal program staff, they determine how much  
14 in additional federal funding each district -- each  
15 LEA -- or each GNETS center will get and the bands  
16 they use. I think there are 50 student bands, 50,  
17 50 students.

18 So, you know, for 100, 150 students, you  
19 get so much. For 151 to 250, you get so much. I  
20 think that's how it was set up.

21 Q Federal Program staff, that's GaDOE's  
22 Federal Program staff?

23 A Correct.

24 Q Do the data that is reported in the grant  
25 application submitted by the GNETS programs or the

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1 there. I don't know right now off the top of my  
2 head. I don't know. It might be one of the smaller  
3 aspects, but I don't know.

4 Q Then after application of this, or  
5 calculation based on this formula, that is how the  
6 State budget for GNETS is allocated; is that  
7 correct?

8 A Well, I mean there's always little things  
9 that happen every year, but this is mainly how it's  
10 calculated.

11 Q And who -- we kind of touched on this  
12 before, but do you know who decided on this, these  
13 elements of this formula?

14 A It was before my time.

15 Q And what kinds of little things might come  
16 up that might vary it some years?

17 MS. HERNANDEZ: Objection.

18 A Lawsuits. New contracts, new things. So,  
19 yeah, just -- things like that, that they may have  
20 to add more money to the program.

21 Not so much the formula. So, I don't  
22 know, maybe you asked me that. So the formula.  
23 But, you know, but even staying with the formula,  
24 the teacher's salary is a big input. If that  
25 changes, it will change it.

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1 But they can change -- this one isn't set  
2 out in code, so you can change an element of it, if  
3 they come together. So any budget office can  
4 recommend a change. You know, we don't recommend  
5 changes. We kind of stay with -- but if they decide  
6 they want to change the funding formulas for it, I  
7 think it would just -- they could just do it within  
8 their -- in calculating the funding formula. So...

9 Q When you said new contracts, what does  
10 that mean? How would that affect this?

11 A It wouldn't, you know, as I'm thinking of  
12 it, because I think you're just talking about the  
13 formula.

14 So, no, the formula itself will not change  
15 based on the -- it would just be the -- if you  
16 change the inputs, but they can change any of the,  
17 any of the -- any element of this can be changed.  
18 This is how we kind of guide it, but they could  
19 change it because it doesn't require legislation to  
20 change this.

21 So it can be changed at any point. But  
22 typically it kind of stays static, except for the  
23 student count and the teacher salary information.

24 Q And when you say not set out in code, you  
25 mean this funding formula is not determined by code?

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1 This is --

2 A To my knowledge.

3 Q -- the spreadsheet and the department --  
4 the appropriators decide it but it's not code based?

5 A To my knowledge, it is not cited in code.  
6 So yeah.

7 Q And when you were telling me before, you  
8 were citing code sections before, that was for the  
9 QBE formula?

10 A Yes. Was it O.C.G.A. 2-8-166, something  
11 like that.

12 Q I'm not going to double-check that.  
13 Are there GNETS funds that remain  
14 unallocated?

15 A No. The goal is to -- when we set out the  
16 budget the end of the year is we make sure we are  
17 funding the minimum that the legislature has for the  
18 allocation. So whatever they said, what we need for  
19 personnel costs, then what was needed for contracts  
20 or -- contracts at DOE, and then anything that's  
21 left over, we've added that to the allocations that  
22 have gone out, or at least the program staff has  
23 recommended -- has asked me to proportionately  
24 allocate that to the, to that.

25 So if there is money left over, it's

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1 formulas.

2 I think that happened one year. Actually,  
3 that was the thing that made us stop, because the  
4 Governor proposed a \$3,000 increase in '19 that was  
5 passed and he proposed a \$2,000 increase, because  
6 that was one of the things that he initially  
7 campaigned on and was elected on, was increasing  
8 teacher's salaries 5,000. So he proposed an  
9 additional 2000 the next year, but because of the  
10 economy, because of whatever, we weren't able to do  
11 that.

12 So, so the 2,000 was put in there but we  
13 had to take it out because it wasn't funded when it  
14 went through the legislature.

15 Q Thank you. That is helpful background.

16 One of the attachments to this is  
17 identified as the GNETS funding formula document,  
18 the one that ends in 8342. We'll look through that  
19 one.

20 Is this the spreadsheet you've been  
21 referring to periodically when you say --

22 A Yes.

23 Q -- you want to see the GNETS spreadsheet?

24 Can you confirm these calculations reflect  
25 the application of the funding formula that we

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1 discussed for the then upcoming school year, which  
2 would have been school year '17? Not the numbers  
3 but just the structure of it?

4 A Yes.

5 Q Is this how you receive it? You get this  
6 attachment like that as an attachment, or is it in a  
7 shared document database that you can look at?

8 A It's usually email. But, yeah, it's an  
9 attachment.

10 Q Do you know who creates this spreadsheet?

11 A We all have a formula -- we all have a  
12 version of it. So we all use this same template to  
13 kind of estimate it. So everybody kind of has  
14 something that looks like this for GNETS.

15 Q This one is the Governor's recommendations  
16 that would have come from the Governor's -- in case  
17 the Governor recommended any changes, this would  
18 have come from the Governor's office?

19 A This would have, yeah.

20 Q You said we all have it. This is all the  
21 people that we just saw, like the people in the  
22 House, and the Senate, and the OPB, and your office  
23 share, have access to these kinds of documents?

24 A Yes. This is just a spreadsheet.  
25 Everybody who does it, GNETS, they calculate it kind